

**IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 05-CV-00329-GKF-SAJ
	)	
TYSON FOODS, INC., et al.,	)	
	)	
Defendants.	)	

**SUPPLEMENTAL OBJECTIONS AND RESPONSES OF STATE OF OKLAHOMA TO  
SEPARATE DEFENDANT TYSON POULTRY, INC.'S FIRST SET OF  
INTERROGATORIES PROPOUNDED TO PLAINTIFFS**

COMES NOW, the Plaintiff, the State of Oklahoma, ex rel. W.A. Drew Edmondson, in his capacity as Attorney General of the State of Oklahoma, and Oklahoma Secretary of the Environment, C. Miles Tolbert, in his capacity as the Trustee for Natural Resources for the State of Oklahoma under CERCLA, (hereinafter "the State") and supplements its previous response to Defendant Tyson Poultry, Inc's First Set of Interrogatories in accordance with the Court's Order of February 26, 2007 (Dkt # 1063). The State incorporates its previous responses and objections to these interrogatories as if fully stated herein. Further, the State reserves the right to supplement its responses as additional responsive information is identified.



6. Coordinated Watershed and Restoration Protection Strategy for Oklahoma's Impaired Scenic Rivers (Per SB 972) 2002, 2004-2006 Update located at <http://www.environment.ok.gov/>.
7. An Investigation of the Sources and Transport of Nonpoint Source Nutrients in the Illinois River Basin in Oklahoma and Arkansas (Gade 1998) located at <http://storm.okstate.edu/>.
8. Watershed Restoration Action Strategy for the Illinois River (OCC 1999) located at [https://www.deq.state.ok.us/WQDnew/pubs/illinois\\_river\\_wras\\_final.pdf](https://www.deq.state.ok.us/WQDnew/pubs/illinois_river_wras_final.pdf).
9. Water Quality Modeling Analysis in Support of TMDL Development for Tenkiller Ferry Lake and the Illinois River Watershed in Oklahoma, (Draft March 2001).

With respect to documents previously provided to the Tyson Defendants for inspection at any of the above agencies that were not copied by the Tyson Defendants, the State will work with the Tyson Defendants to get copies of these documents. The State reserves the right to supplement this interrogatory as additional responsive information is identified.

**INTERROGATORY NO. 2:** Please describe in detail all actions taken and practices employed by you to manage, address, control or reduce the entry of phosphorus/phosphorus compounds, nitrogen/nitrogen compounds, arsenic/arsenic compounds, zinc/zinc compounds, copper/copper compounds, hormones or microbial pathogens into the IRW from poultry operations. Also, please Identify all Documents Related to such actions.

**SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2**

The State objects to this interrogatory on the grounds that it improperly seeks identification of "all" items of responsive information, which renders it overly broad, oppressive,

and unduly burdensome. It may be impossible to locate “all” items of responsive information to this interrogatory.

The State objects to this interrogatory to the extent that it seeks attorney client and work product protected material, or information known or opinions held by expert consultants retained or specifically employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed.R.Civ.P. 26(b)(4)(A) and (B). The State and its experts are still collecting data and performing analysis on the data which will be used in their opinions and reports. The State will disclose information known or opinions held by expert consultants employed in anticipation of litigation or preparation for trial upon which it intends to rely pursuant to the Court’s scheduling order (Dkt. #1075).

Subject to and without waiver of these objections, the State has undertaken a number of actions, including but not limited to, implemented statutes in order to control the above pollutants from entering the Illinois River Watershed. These statutes prohibit, among other things, all discharges and/or runoff of pollutants into the Illinois River Watershed. The State is prosecuting this litigation against the Poultry Integrator Defendants for violations of state and federal law after years of negotiations with the Poultry Integrator Defendants. The State has also monitored the Illinois River Watershed, conducted educational outreach to the Poultry Integrator Defendants and poultry growers, implemented numerous grant programs and projects, conducted research, studies and modeling regarding sources and impact of poultry waste disposal practices, and published numerous papers and fact sheets on poultry waste disposal.

Documents responsive to this request, include, but are not limited to:

2 O.S. § 10-9 et. seq., specifically 2 O.S. § 10-9.7 (Best Management Practices and Prohibition of discharge of waste to the waters of the State)

1. 319 Project Grant Files located at the Oklahoma Office of the Secretary of the Environment (Boxes 1-6) and Oklahoma Conservation Commission (Box 1A, 13A, 13B and Box 18A)
2. Registered Poultry Feeding Operations Act Data previously produced on June 15, 2006, Bates Nos.OKDA0000001-OKDA0010561 and OKDA0013013-OKDA0021846. Updated versions of these files will be made available for inspection at Oklahoma Department of Agriculture Food and Forestry.
3. OSU Cooperative Extension Service Fact Sheet F-2249, "Managing Phosphorus from Animal Manure."
4. Coordinated Watershed and Restoration Protection Strategy for Oklahoma's Impaired Scenic Rivers (Per SB 972) 2002, 2004-2006 Update located at <http://www.environment.ok.gov/> (Summarizing the State's activities to address poultry pollution).
5. Watershed Restoration Action Strategy for the Illinois River (OCC 1999) located at [https://www.deq.state.ok.us/WQDnew/pubs/illinois\\_river\\_wras\\_final.pdf](https://www.deq.state.ok.us/WQDnew/pubs/illinois_river_wras_final.pdf).
6. Water Quality Modeling Analysis in Support of TMDL Development for Tenkiller Ferry Lake and the Illinois River Watershed in Oklahoma, (Draft March 2001).
7. Governor's Animal Waste Task Force Materials located at OSRC 1-1 through 1-6
8. Illinois River Basin Tour – Illinois River Watershed Tour August 12, 2002 OSRC 3-32.
9. Diagnostic and Feasibility Study on Tenkiller Lake, Clean Lakes Report, Oklahoma – June 1996 OSRC 1-30.

10. USGS Preliminary Analysis of Phosphorus Concentrations and Fecal-Indicator Bacteria Counts at Selected Sites in the Illinois River Basin in Oklahoma, 1997-2001 OSRC 2-13.
11. Historic state agency and USGS sampling data produced or to be produced at the agency productions.
12. Monitoring of Tenkiller Ferry Lake near Horseshoe Bend and Caney Creek to Support Lake Tenkiller TMDL and BMP Activities – Draft Final Report (August 16, 2001 OWRB) located at OSRC 5-20.
13. ODEQ 1998-2004 Integrated Water Quality Assessment Reports  
[http://www.deq.state.ok.us/WQDnew/305b\\_303d/index.html](http://www.deq.state.ok.us/WQDnew/305b_303d/index.html).
14. OWRB 2001 through 2005 BUMP Reports  
<http://www.owrb.ok.gov/quality/monitoring/bump.php>.

The State reserves the right to supplement this interrogatory as additional responsive information is identified.

**INTERROGATORY NO. 3:** Please describe in detail all actions taken and practices employed by you to manage, address, control or reduce the entry of phosphorus/phosphorus compounds, nitrogen/nitrogen compounds, arsenic/arsenic compounds, zinc/zinc compounds, copper/copper compounds, hormones or microbial pathogens into the IRW from activities of persons, Entities and industries other than poultry operations (including, but not limited to, cattle operations, hay operations, septic tanks, commercial fertilizer applications, mining, municipal POTW discharges, land application of biosolids and utilization of herbicides and pesticides). Also, please Identify all Documents Related to such actions.